

**REMARKS**

Claims 1-2 and 7-11 are pending in this application. By this Amendment, claim 1 is amended.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

**I. Claims 1-5 and 7-11 Satisfy the Requirements of 35 U.S.C. §112, Second Paragraph**

Claims 1-2 and 7-11 are rejected under 35 U.S.C. §112, second paragraph as indefinite.

Accordingly, claim 1 is amended. Withdrawal of the rejection of claims 1-2 and 7-11 under 35 U.S.C. §112, second paragraph is respectfully requested.

**II. The Claims Define Patentable Subject Matter**

Claims 1-2 and 7-11 are rejected under 35 U.S.C. §102(e) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. 2001/0035255 to Sergel et al.; claims 1, 2 and 7 are rejected under 35 U.S.C. §103(a) as unpatentable over Sergel and further in view of EP 658452; and claims 1-2 and 7-11 are rejected under 35 U.S.C. §103(a) as unpatentable over Sergel and further in view of U.S. Patent No. 5,942,069 to Gerresheim and/or EP 925903. These rejections are respectfully traversed.

The applied art does not teach, disclose or even suggest winding an uncured high electrically conductive rubber ribbon at a middle portion of a tread rubber made from low electrically conductive rubber wherein the uncured tread rubber is wound and formed in two parts each as an integral extrusion shaped body, as claimed in claim 1.

Sergel discloses that a tread strip 7 is applied to the partial tire 5 so that the carbon black material to be is first wound onto the tire 5. Another strip of material 2a containing silica as a filler is filled into the gaps left in the winding process of the strip of material 2b. Preferably the material strips 2a form the shoulder area of the tread strip, as best shown in Figures 2-3.

Accordingly, Sergel does not disclose the features discussed above with respect to claim 1. That is, Sergel does not disclose having an electrically conductive layer sandwiched between the low electrically conductive rubber that is formed in two parts, with the electrically conductive layer formed by winding the uncured high electrically conductive rubber ribbon.

None of the additional applied art makes up for the deficiencies of Sergel discussed above. For example, in EP '452, at least one conductive insert 12 is formed in the tread band 9. The conductive part 12 is preferably made of an elastomeric material having an electric resistivity lower than that of the material forming the tread band. There is no teaching, disclosure or suggestion for winding the conductive insert 12.

Accordingly, Applicants respectfully submit that only the present application suggests the claimed combination of features. Further, there is no clear showing that the resulting combination of the applied art would correspond to the subject matter recited in the claims. As such, the asserted combination of applied art was made using improper hindsight reconstruction of the references.

Accordingly, the applied art does not teach, disclose or suggest having the electrically conductive layer arranged in a middle portion between the tread rubber made from low electrically conductive rubber with the electrically conductive layer is made from winding the high electrically conductive rubber ribbon on a circumference of a tire material. This feature is not taught, disclosed or even suggested in the applied art.

Accordingly, withdrawal of the rejections of the claims under 35 U.S.C. §102 and §103 is respectfully solicited.

### III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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